



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): FEIGE, et al.

Serial No.: 10/666,696

Group Art Unit No.: 1639

Filed: September 19, 2003

Examiner: Teresa D.
Wessendorf

For: MODIFIED PEPTIDES AS
THERAPEUTIC AGENTS

Docket No.: A-527H

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING APPLICATION**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Amgen Inc., is the owner of the entire interest in the instant application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/563,286, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial No. 09/563,286, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/563,286 in the event that any said patent issuing from application Serial No. 09/563,286 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Copies of the assignment documents in the chain of title from the original owner to assignee are attached, and were recorded in the Patent and Trademark Office at reel 011148 and frame 0559.

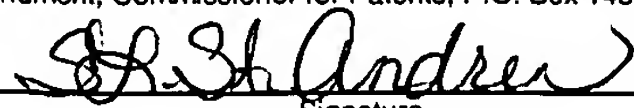
EXPRESS MAIL CERTIFICATE

"Express Mail" mail labeling number: EL 732696330 US

Date of Deposit: December 3, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sherry L. St. Andrew
Printed Name

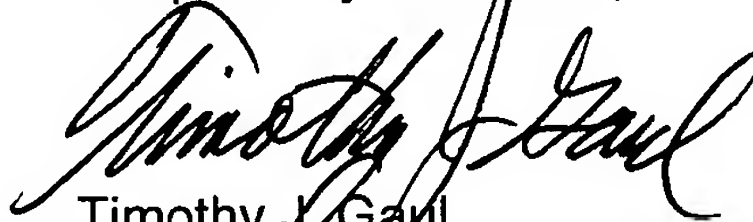

Signature

The undersigned has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

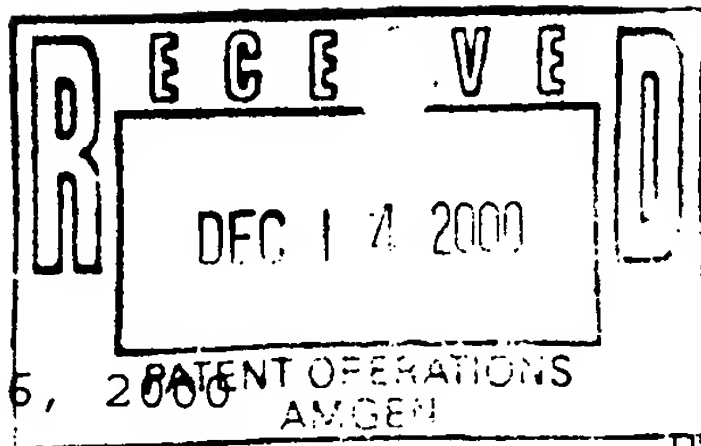
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please send all future correspondence to:
U.S. Patent Operations/ TJG
Dept. 430, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

Respectfully submitted,



Timothy J. Gaul
Attorney for Applicant
Registration No.: 33,111
Phone: (805) 447-2688
Date: December 3, 2004



10-755 A-57A
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DECEMBER 06, 2000

PTAS

AMGEN INC.
TIMOTHY J. GAUL
US PATENT OPERATIONS - DEPT 430 M/S 274A
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799



101488651A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/21/2000

REEL/FRAME: 011148/0559

NUMBER OF PAGES: 12

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FEIGE, ULRICH

DOC DATE: 08/16/2000

ASSIGNOR:

LIU, CHUAN-FA

DOC DATE: 08/14/2000

ASSIGNOR:

CHEETHAM, JANET C.

DOC DATE: 08/17/2000

ASSIGNOR:

BOONE, THOMAS CHARLES

DOC DATE: 08/17/2000

ASSIGNOR:

GUDAS, JEAN MARIE

DOC DATE: 08/10/2000

ASSIGNEE:

AMGEN INC.
ONE AMGEN CENTER DRIVE
DEPT 430, M/S 27-4-A
THOUSAND OAKS, CALIFORNIA
91320-
1799

SERIAL NUMBER: 09563286
PATENT NUMBER:

FILING DATE: 05/03/2000
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10-16-2000

8-21-00

Revised Form PTO-1595
(Rev. 6-93)

REC

U.S. Department of Commerce
Patent and Trademark Office

101488651

To the Honorable Commissioner of Patents and Trademarks, please return the attached original documents or copy thereof.

1. Name of conveying party(ies):

Ulrich Feige, Chuan-Fa Liu

Janet C. Cheetham, Thomas Charles Boone

Jean Marie Gudas

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Amgen Inc.

Internal Address: Dept. 430, M/S 27-4-A

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1799

Execution Date: August 17, 2000

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/563,286, filed May 3, 2000

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.S. Patent Operations/ TJG

Internal Address: Dept. 430, M/S 27-4-A

AMGEN INC.

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1799

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed☒ Authorized to be charged to deposit account.

8. Deposit account number: 01-0519

☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required or credit any overpayment to Deposit Account No. 01-0519

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document

Timothy J. Gaul

Name of Person Signing

Signature

August 18, 2000

Date

Total number of pages including cover sheet, attachments, and document: 13

10/16/2000 DBYRNE 00000067 010519 09563286

01 FC:581

40.00 CH

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date appearing below.

August 18, 2000
DateChristina Gutierrez
Signature

ASSIGNMENT

Whereas, we, Ulrich Feige, 3117 Deer Valley Avenue, Newbury Park, California 91320

Chuan-Fa Liu, 1425 Clover Creek Drive, Longmont, Colorado 80503

Janet C. Cheetham, 1695 East Valley Road, Montecito, California 93108

Thomas Charles Boone, 3010 Deer Valley Avenue, Newbury Park, California 91320

Jean Marie Gudas, 3102 Espana Lane, Thousand Oaks, California 91362

have made an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

MODIFIED PEPTIDES AS THERAPEUTIC AGENTS

which is found in:

☐ (a) the US Patent Application executed on even date herewith;

☐ (b) the US Patent Application executed on _____

☒ (c) US Application Serial No.: 09/563, 286 filed on May 3, 2000

which is a continuation-in-part of U.S. Application Serial No.: 09/428,082, filed October 22, 1999, which claims benefit to U.S. Provisional Application Serial No. 60/105,371, filed October 23, 1998.

☐ (d) US Patent No.: _____

Whereas AMGEN INC., a Delaware corporation having its principal place of business at One Amgen Center Drive, Thousand Oaks, California 91320-1799, wishes to acquire the entire interest in all inventions disclosed in such Application:

Now, therefore, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto AMGEN INC., its successors and assigns (collectively "AMGEN") our entire right, title and interest in, to and under the Application, and any provisional application(s) from which Application is derived, and all priority rights to which the Application may be entitled, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for such inventions, or any of them, including divisional, continuation, and/or continuation-in-part applications based on the above-identified Application, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by AMGEN for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

Further, we hereby sell, assign, transfer, and set over unto AMGEN our entire right, title and interest in or to the right to refer to, to access, and to control microorganism(s) or other biological material(s) related to the Application and which are deposited by us or at our direction or deposited on our behalf by Amgen, its affiliates, employees or employees of its affiliates. The transfer of such right, title and interest includes, without limitation, our unreserved and irrevocable consent and authorization to AMGEN to refer to the deposited microorganisms(s) or other biological materials(s) in the Application and the right to make available to the public the deposited material in accordance with the laws, treaties, statutes, rules, regulations and the like of the United States, all other countries, and any patent granting authority or organization.

We authorize and request the Commissioner of Patents and Trademarks of the United States to issue any such Letters Patent which may be granted on the Application to AMGEN as assignee of the entire right, title and interest therein and thereto.

For ourselves and for our legal representatives, we covenant and agree with AMGEN that we have not granted to any others any license to make, use or sell any of such inventions, that our right title and interest in such inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with AMGEN that upon request we and they will: (i) execute continuing, divisional or reissue applications, amended specifications, or rightful declarations or oaths; (ii) communicate to AMGEN any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings or litigations; (iv) execute and deliver any application papers, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for AMGEN, may be necessary or desirable to secure the grant of Letters Patent to AMGEN or its nominees, in the United States and in all other countries where AMGEN may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for AMGEN and to vest and confirm in AMGEN or its nominees, the full and complete legal and equitable title to all such Letters Patent, without further consideration than that now paid but at the expense of AMGEN.

In Witness Whereof I have executed this assignment on the _____ day of _____ 20 00

Ulrich Feige
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

_____ 20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Ulrich Feige

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires

_____ 201 00

In Witness Whereof I have executed this assignment on the 14th day of August 2000

Chuan-Fa Liu
(Name of Inventor)

Chuanfa Liu
(Signature of Inventor)

UNITED STATES OF AMERICA

State of - Colorado
County of Boulder } ss:

August 14th 2000

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared _____

Chuan-Fa Liu

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Jody Banett
Notary Public

My commission expires

October 5, 2003

In Witness Whereof I have executed this assignment on the _____ day of _____ 20 00

Thomas Charles Boone
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Thomas Charles Boone

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires

20 00

In Witness Whereof I have executed this assignment on the _____ day of _____ 20 00

Janet Cheetham
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Janet Cheetham

☐ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires

20 00

In Witness Whereof I have executed this assignment on the _____ day of _____ 20 00

Jean Marie Gudas
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of _____ }
County of _____ } ss:

20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Jean Marie Gudas

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires

20 00

ASSIGNMENT

Whereas, we, Ulrich Feige, 3117 Deer Valley Avenue, Newbury Park, California 91320

Chuan-Fa Liu, 1425 Clover Creek Drive, Longmont, Colorado 80503

Janet C. Cheetham, 1695 East Valley Road, Montecito, California 93108

Thomas Charles Boone, 3010 Deer Valley Avenue, Newbury Park, California 91320

Jean Marie Gudas, 3102 Espana Lane, Thousand Oaks, California 91362

have made an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

MODIFIED PEPTIDES AS THERAPEUTIC AGENTS

which is found in:

- ☐ (a) the US Patent Application executed on even date herewith;
- ☐ (b) the US Patent Application executed on _____
- ☒ (c) US Application Serial No.: 09/563, 286 filed on May 3, 2000

which is a continuation-in-part of U.S. Application Serial No.: 09/428,082, filed October 22, 1999, which claims benefit to U.S. Provisional Application Serial No. 60/105,371, filed October 23, 1998.

- ☐ (d) US Patent No.: _____

Whereas AMGEN INC., a Delaware corporation having its principal place of business at One Amgen Center Drive, Thousand Oaks, California 91320-1799, wishes to acquire the entire interest in all inventions disclosed in such Application:

Now, therefore, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto AMGEN INC., its successors and assigns (collectively "AMGEN") our entire right, title and interest in, to and under the Application, and any provisional application(s) from which Application is derived, and all priority rights to which the Application may be entitled, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for such inventions, or any of them, including divisional, continuation, and/or continuation-in-part applications based on the above-identified Application, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by AMGEN for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

Further, we hereby sell, assign, transfer, and set over unto AMGEN our entire right, title and interest in or to the right to refer to, to access, and to control microorganism(s) or other biological material(s) related to the Application and which are deposited by us or at our direction or deposited on our behalf by Amgen, its affiliates, employees or employees of its affiliates. The transfer of such right, title and interest includes, without limitation, our unreserved and irrevocable consent and authorization to AMGEN to refer to the deposited microorganisms(s) or other biological materials(s) in the Application and the right to make available to the public the deposited material in accordance with the laws, treaties, statutes, rules, regulations and the like of the United States, all other countries, and any patent granting authority or organization.

We authorize and request the Commissioner of Patents and Trademarks of the United States to issue any such Letters Patent which may be granted on the Application to AMGEN as assignee of the entire right, title and interest therein and thereto.

For ourselves and for our legal representatives, we covenant and agree with AMGEN that we have not granted to any others any license to make, use or sell any of such inventions, that our right title and interest in such inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with AMGEN that upon request we and they will: (i) execute continuing, divisional or reissue applications, amended specifications, or rightful declarations or oaths; (ii) communicate to AMGEN any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings or litigations; (iv) execute and deliver any application papers, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for AMGEN, may be necessary or desirable to secure the grant of Letters Patent to AMGEN or its nominees, in the United States and in all other countries where AMGEN may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for AMGEN and to vest and confirm in AMGEN or its nominees, the full and complete legal and equitable title to all such Letters Patent, without further consideration than that now paid but at the expense of AMGEN.

In Witness Whereof I have executed this assignment on the 16 day of August 2000

Ulrich Feige
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

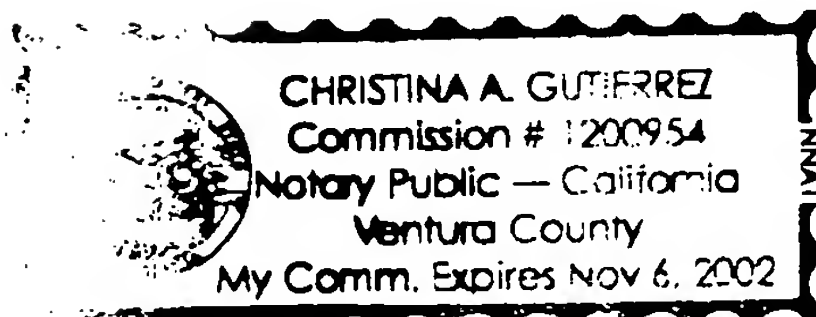
August 16 2000

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Ulrich Feige

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Christina A. Gutierrez
Notary Public

My commission expires

November 6 2000

In Witness Whereof I have executed this assignment on the _____ day of _____ 20 00

Chuan-Fa Liu

(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of -
County of } ss:

20 00

Before me, a Notary Public for _____ County, State of Colorado, personally appeared _____

Chuan-Fa Liu

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires

20 00

In Witness Whereof I have executed this assignment on the 17 day of August 20 00

Thomas Charles Boone
(Name of Inventor)

Thomas Charles Boone
(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

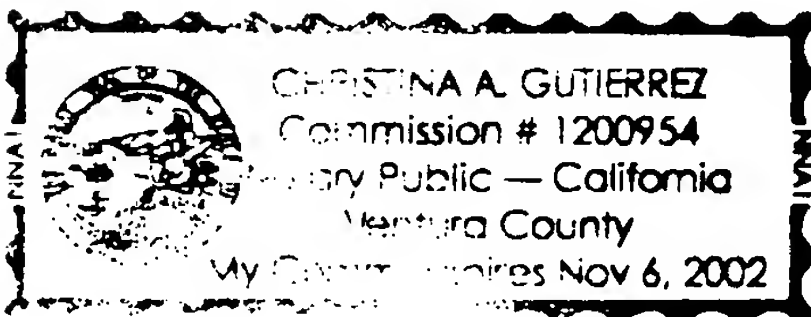
August 17 20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Thomas Charles Boone

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Christina A. Gutierrez
Notary Public

My commission expires

November 6 20 0002

In Witness Whereof I have executed this assignment on the 17th day of August 20 00

Janet Cheetham
(Name of Inventor)

Janet C. Cheetham
(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

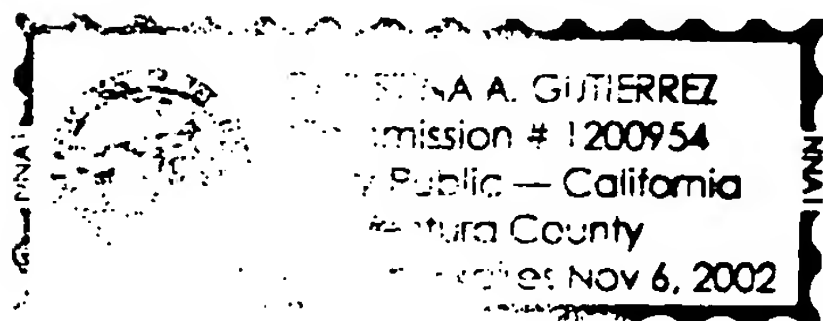
August 17 2000

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Janet Cheetham

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~he~~/she executed the same in ~~his~~/her authorized capacity, and that by ~~his~~/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Christina A. Gutierrez
Notary Public

My commission expires

November 6 20 0002

In Witness Whereof I have executed this assignment on the 10 day of August 20 00

Jean Marie Gudas
(Name of Inventor)

Jean Marie Gudas
(Signature of Inventor)

UNITED STATES OF AMERICA

State of }
County of } ss:

August 10 20 00

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Jean Marie Gudas

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Christina A. Gutierrez
Notary Public

My commission expires

November 6 20 0002

